



THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

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In re Application of: § Atty. Docket No.: GORA,007-04
Richard W. Tock, *et al.* §
§
Serial No.: 09/849,181 § Examiner: M.D. Vargot
§
Filed: May 5, 2001 § Group Art Unit: 1732
§
For: **CELLULOSE FIBERS AND**
THEIR USE IN REDUCING
VOC EMISSIONS §

MAIL STOP PETITIONS
COMMISSIONER OF PATENTS
AND TRADEMARKS
WASHINGTON, D.C. 20231

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patent and Trademarks, Washington, D.C. 20231.

October 12, 2004
Mark R. Wisner, Registration No. 30,603 Date

PETITION TO WITHDRAW ABANDONMENT (37 C.F.R. 1.181)

Dear Sir:

Applicant hereby respectfully requests withdrawal of abandonment of the captioned application. A Notice of Abandonment was mailed on September 13, 2004 indicating that the application was abandoned for failure to reply to a May 19, 2003 Official Action. However, a response to that Action was filed, and Applicant is, therefore, filing this Rule 1.181 Petition to submit proof of the filing of the Response and to request withdrawal of abandonment. Please consider the following evidence in support of this Petition under Rule 1.181.

A copy of Applicant's **Response to Official Action of May 19, 2003** as filed (with a properly executed certificate of mailing) on August 19, 2003, as well as the letter transmitting that Response (also with a properly executed certificate of mailing), is attached as Exhibit A. Further, a postcard was sent along with that Response for date-stamping and return, and a copy of that postcard with the date-received stamp of the Office is included in Exhibit A.

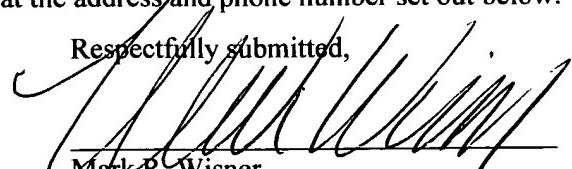
It is therefore respectfully requested that the attached **Response to Official Action of May 19, 2003**, which does not appear to have been entered by the Office, be considered timely at this time and that the holding of abandonment be withdrawn. Applicant's Attorney is informing the Office of the mailing of the Response promptly after becoming aware that the Office had no evidence of its receipt, and as required by 37 C.F.R. 1.8(b), this Petition is accompanied by a

copy of that Response. Further, the attached date-stamped postcard provides evidence of the timely mailing of that Response (37 C.F.R. 1.8(b)(3)) and receipt of the Response by the Office.

Also attached as Exhibit B is a **Revised Response to Official Action of May 19, 2003**. The undersigned Attorney had several telephone conferences with the Examiner over the last few months. During one such conversation, the Examiner mentioned that Applicant's **Response to Official Action of May 13, 2003** may not have been entered because of non-compliance with the Revised Amendment Practice effective July 30, 2003 (*see* 68 Fed. Reg. 38611 (June 30, 2003)). However, Applicant has not received a notice of non-compliant amendment indicating that the Response was not entered for this reason. Further, it is respectfully submitted that Applicant's **Response to Official Action of May 19, 2003**, which amended the application only by deleting claims, complied in all respects with the revised amendment practice (*see* paragraph II(A)(1) of the "06/30/03 Flyer for mailing with all Office actions by all TCs" stating that "Canceled and not entered claims must be indicated by **only the claim number and status, without presenting the text of the claims.**") such that there was no reason to issue a notice of non-compliant amendment. However, on the chance that Applicant's Response is regarded as not being in compliance with the revised amendment practice, and so as not to delay further examination of the application, Applicant is submitting the attached **Revised Response to Official Action of May 13, 2003** and, if necessary to insure the further examination of the application, requests entry of same at the time this Petition to Withdraw Abandonment is granted.

So far as is known, there is no fee for this Rule 1.181 Petition. However, if a fee is assessed, the Commissioner is authorized to charge Deposit Account No. 50-1331 (I01102/03102) in the amount of any necessary fee. Early and favorable action on this Petition is respectfully requested. In the event there are questions, it is respectfully requested that the undersigned attorney be contacted at the address and phone number set out below.

Respectfully submitted,



Mark R. Wisner

Registration No. 30,603
Alan H. Gordon & Associates
2355 Phoenix Tower
3200 Southwest Freeway
Houston, Texas 77027-7523
Telephone: 713.789.6200
Facsimile: 713.789.6203

ATTORNEY FOR APPLICANT

Date: October 12, 2004

**COPY**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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August 19, 2003
Mark R. Wisner, Registration No. 30,603
Date

TRANSMITTAL OF AMENDMENT

Dear Sir:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below:

FOR	CLAIMS PAID FOR	TOTAL CLAIMS	EXTRA CLAIMS	RATE	TOTAL
Total Claims	22	22	0	\$18 / \$9	\$0
Independent Claims	3	3	0	\$84/\$42	\$0
TOTAL FEE DUE:					\$0

- Please refund any overpayment.
- Also enclosed is a request for a _____ month extension of the time to respond. The Commissioner of Patents is hereby authorized to draw on Deposit Account No. 50-1331 (I01102/03102) in the amount of the required fee.
- The Commissioner of Patents is hereby authorized to draw on Deposit Account No. 50-1331 (I01102/03102), if there are charges for entry of the enclosed amendment, if the

EXHIBIT**A**

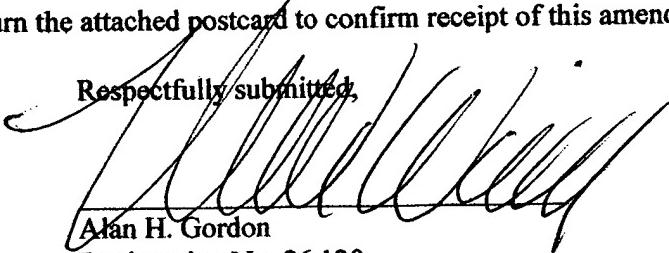
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accompanying check (if any) is insufficient, or if any check referred to herein is inadvertently not attached to this paper.

- Please date stamp and return the attached postcard to confirm receipt of this amendment.

Respectfully submitted,


Alan H. Gordon
Registration No. 26,128
Mark R. Wisner
Registration No. 30,603
Alan H. Gordon & Associates, P.C.
2355 Phoenix Tower
3200 Southwest Freeway
Houston, Texas 77027-7523
Telephone: 713.789.6200
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ATTORNEY FOR APPLICANT

Date: August 19, 2003



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August 19, 2003
Mark R. Wisner, Registration No. 30,603
Date

RESPONSE TO OFFICIAL ACTION OF MAY 19, 2003

Dear Sir:

Applicant responds to the Official Action of May 19, 2003 in the captioned application in timely fashion as follows. In the event the certificate of mailing on either document was either inadvertently not executed or improperly executed, any necessary fees were not included and/or were insufficient in amount, or for any other reason this Response is not considered timely filed, request is hereby made for an extension of the time to respond for the period necessary to ensure consideration of this Response and the Commissioner is authorized to charge Deposit Account No. 50-1331 (GORA,007-04) in the amount of any necessary fee.

IN THE CLAIMS

Please cancel claim(s) 1-6, 15, 21, and 22 without prejudice.

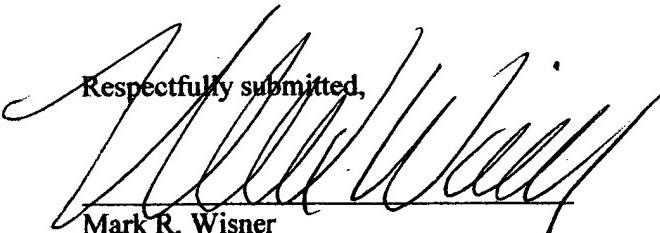
REMARKS

In the Official Action of May 19, 2003, claims 7-14 and 16-20 were allowed and cancellation of claims 1-6, 15, 21, and 22 was requested so as to put the application in condition for allowance. For that reason, Applicants have canceled claims 1-6, 15, 21, and 22, and passage of the application to issue is respectfully requested.

Entry of the amendment(s) set out above, consideration of the remarks set out herein, reconsideration and withdrawal of the rejections, allowance of the claims, and passage of the application to issuance are all respectfully requested. In the event there are questions, please

contact the undersigned attorney for Applicants at the new address and telephone number set out below and in the Notice of Change of Correspondence Address filed in the application with a certificate of facsimile transmission on May 16, 2003 (copy enclosed for the convenience of the Office).

Respectfully submitted,



Mark R. Wisner

Registration No. 30,603
Alan H. Gordon & Associates
2355 Phoenix Tower
3200 Southwest Freeway
Houston, Texas 77027-7523
Telephone: 713.789.6200
Facsimile: 713.789.6203

ATTORNEY FOR APPLICANT

Date: August 19, 2003



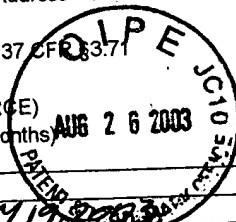
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DOCKET NO.: GORA,007.04
 SERIAL NO.: 09/1849,181
 FILED: 5/5/01
 APPLICANT: TOCK

The Patent & Trademark Office acknowledges receipt of, and has stamped hereon the date of receipt of, the items checked below, which were mailed on 8/19/03.

- Affidavit
 Appeal - Notice Brief
 Patent Application Utility Provisional
Cover Sheet (page) Specification (pages)
Claims (pages) Total Claims _____ Indep. Claims _____
Abstract: (1 page) Oath Declaration Unexecuted
 Sheets of Drawing(s) Formal Informal
 Assignment and Recordation Cover Sheet
 Certificate Under 37 CFR §3.73
 Declaration (including Power of Attorney)
 Information Disclosure Stmt - Form 1449 [with references]
 Issue Fee Transmittal Form (Part B) with Issue Fee pmt \$ _____
 Advance Order Copies (copies) with payment \$ _____
 Letter, Transmittal
 Notice of Change of Correspondence Address
 Power of Attorney
 Power of Attorney with Election Under 37 CFR §3.7
 Publication Fee \$ _____
 Request for Continued Examination (RCE)
 Request for Extension of Time (months)
 Request for _____
 Response to _____
 Response to Official Action of MAY 19, 2003
 Attachment to Response to Official Action of _____
 Check # _____ in the amount of \$ _____
 Check # _____ in the amount of \$ _____
 Other: _____
 Other: _____
 Other: _____

Express Mail # _____





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October 12, 2004
Mark R. Wisner, Registration No. 30,603 Date

REVISED RESPONSE TO OFFICIAL ACTION OF MAY 19, 2003

Dear Sir:

Applicant hereby submits this Revised Response to Official Action of May 19, 2003 in the captioned application for the reasons set out in the Petition to Withdraw Abandonment filed concurrently herewith. In the event the certificate of mailing on either document was either inadvertently not executed or improperly executed, any necessary fees were not included and/or were insufficient in amount, or for any other reason this Response is not considered timely filed, request is hereby made for an extension of the time to respond for the period necessary to ensure consideration of this Response and the Commissioner is authorized to charge Deposit Account No. 50-1331 (I01102/3102) in the amount of any necessary fee.

EXHIBIT

B